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January 19, 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written *ex parte* presentation in RM-11681; IB Docket No. 12-340; IBFS File Nos. SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872

Dear Ms. Dortch:

On January 14, 2016, Reed Hundt, a board member of New LightSquared LLC (“New LightSquared”) and co-counsel with the undersigned, Doug Smith and Geoff Stearn with New LightSquared, and the undersigned met with Julius Knapp, Ron Repasi, Charles Mathias, Paul Murray, Matthew Pearl, Robert Nelson, and Jennifer Tatel of the Commission; Zachary Goldstein, Ivan Navarro and James Mentzer of the National Oceanic and Atmospheric Association (“NOAA”); Paige Atkins, Peter Tenhula, Derek Khoplin, Steve Molina, and Edward Drocella of the National Telecommunications & Information Administration; and Aalok Mehta of the Office of Management and Budget. Messrs. Knapp, Nelson, and Mentzer and Ms. Tatel participated by telephone.

The parties discussed two categories of issues with respect to the sharing of the 1675-1680 MHz band between NOAA and whomever prevails when the spectrum is reallocated by the Commission for shared commercial use and auctioned, and how the FCC’s licensing, service rules, and auction process can address many of these concerns.

First is the issue of fundamental spectrum coordination. In this context, New LightSquared explained how these issues were substantially addressed by the 2013-2014 analysis performed by Alion Science and Technology (“Alion”) and funded by LightSquared after consultation with NOAA, which concerned the compatibility of commercial wireless operations with NOAA’s uses of the 1675-1680 MHz band. In January and April 2014, the company

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submitted Alion analyses which demonstrated that sharing was feasible in this band and also identified the protection zones that were necessary to protect NOAA's facilities.¹

Second, the parties discussed the issue of non-federal entities, which are able to use NOAA signals in, and near, the 1675-1680 MHz band and how the FCC's licensing and auction process can provide for the continuity of these services. Such entities include state and local government users, and private users. The company explained the process it undertook on its own last summer to (a) identify the use cases of these non-NOAA entities, and (b) identify alternative delivery mechanisms to meet their needs. The company indicated that it had submitted the report to the Commission and that while it is not comprehensive, it provides a useful start to a notice-and-comment process that the Commission could initiate and in which NOAA could participate and encourage others to participate.² The parties agreed that identifying applicable use cases was important to analyzing how the spectrum could be shared, and that exercise would lead to a discussion of suitable alternative delivery mechanisms for those use cases such that any of the users in the community could avail themselves of an alternative delivery mechanism.

The parties then discussed some of the possible alternative delivery mechanisms and committed to further discussions to establish how it will be feasible to deliver this information to all the different users employing alternative technologies should they no longer be able to receive satellite signals from NOAA due to spectrum sharing. At bottom, the parties agreed that the issue that needs to be addressed is not a matter of technology; rather, it is a matter of responsibility, logistics and funding—issues that could be addressed by the Commission, as it has on a number of occasions, through service rules, license conditions, and the auction process. In that context, the parties readily acknowledged that federal users present a different set of issues than do private users. The key point the parties agreed upon is that following the Commission's notice-and-comment process, it will be necessary to identify all *use cases*—but not necessarily all users—of the 1675-1680 MHz band.

Lastly, the parties discussed timing issues, and how there could be a difference between the “auction” date and the “occupancy” date: *i.e.*, the date on which spectrum is auctioned and the date on which that same spectrum is actually put to use by the auction winner. Finally, the parties discussed how the Commission's issuance of a public notice will serve as a vehicle to ventilate and explore these issues and identify interested parties.

¹ See Ex Parte Letter from Jeff Carlisle to Marlene H. Dortch, RM-11681 (April 14, 2014); Ex Parte Letter from John P. Janka to Marlene H. Dortch, RM-11681 (Jan. 30, 2014).

² See Ex Parte Letter from Gerard J. Waldron to Marlene H. Dortch, RM-11681, IB Docket No. 12-340 (Nov. 5, 2015).

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Please direct any questions to the undersigned.

Sincerely,

/s/ Gerard J. Waldron
Gerard J. Waldron
Counsel to New LightSquared LLC

cc: Julius Knapp
Paul Murray
Charles Mathias
Ron Repasi
Matthew Pearl
Robert Nelson
Jennifer Tatel
Ivan Navarro
Zachary Goldstein
James Mentzer
Paige Atkins
Derek Khoplin
Peter Tenhula
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